IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

February 16, 2005

In re application of	:	IULIUS VIVANT DUTU
Serial No.	:	10/709,268
Filed	:	April 26, 2004
For	:	**SECURITY ENHANCED AUTOMATIC PILOT SYSTEM FOR AIR VEHICLES**
Examiner	:	Unknown
Art Unit	:	3661
Our File No.	:	10330.6806

CERTIFICATE OF MAILING

I hereby certify that this correspondence, and any attachments thereto, is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop PETITIONS, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

BETTY BERNAL	Betty Bernal	02/17/2005
Name of Person Mailing Paper	Signature	Date

Mail Stop PETITIONS
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313

TRANSMITTAL OF PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER M.P.E.P. Section 708.02, VIII

Dear Sir:

Enclosed please find Applicant's Petition to Make Special for New Application Under M.P.E.P. Section 708.02, VIII. Also enclosed is a check in the amount of $130.00 for the Petition fee and a return postcard for confirmation of receipt.

Any additional charges, including extension of time, please bill our Account No. 503180.

Respectfully submitted,

02/24/2005 AWONDAF1 00000013 10709268
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CUSTOMER NO. 44538

Practitioner's Docket No.10330.6806

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Iulius Vivant Dutu

Serial No.: 10/709,268 Group Art Unit: 3661

Filed: April 26, 2004 Examiner: Unknown

For: SECURITY ENHANCED AUTOMATIC PILOT SYSTEM FOR AIR VEHICLES

Assistant Commissioner for Patents
Washington, D.C. 20231

PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER M.P.E.P. section 708.02, VIII

1. Petition

Applicant hereby petitions to make this new application, which has not received any examination by the Examiner, special.

2. Claims

All the claims in this case are believed directed to a single invention. If the Office determines that all the claims presented are not obviously directed to a single invention, then applicant will make an election without traverse as a prerequisite to the grant of special status.

3. Search

The undersigned attorney has undertaken a pre-examination patent search of issued U.S. Patents located in U.S. Class 244/Subclass 189 of the U.S. Patent and Trademark Office records.

Patent References:

Inventor	Patent Number	Year
Langston	6,739,556	2004

4. Copy of references

The reference listed above is deemed most closely related to the subject matter encompassed by the claims. A copy of said reference, along with other references found during the pre-examination search, are included herewith. MPEP §708.02(VIII)(D).

5. Detailed discussion of the references

There is submitted herewith a detailed discussion of the references, which discussion particularly points out how the claimed subject matter is distinguishable over the references.

The present invention discloses an enhanced automatic pilot system for operating and controlling an air vehicle for increasing flight security. A predefined travel or flight route or path "Virtual Tunnel" (e.g. a certain altitude, coordinates, out over the ocean, etc.) can be established

for the system when certain conditions are detected by the present invention. When certain circumstances or situations are detected by the present invention, the automatic pilot system takes control of the air vehicle and directs it to fly in accordance with the predefined Virtual Tunnel. Certain or special circumstances or situations which may justify directing the air vehicle to the Virtual Tunnel can include, but are not limited to, a medical emergency to the pilot(s), a hijacking, terrorist activity, etc.

A change in trajectory from a predefined trajectory for the flight under normal conditions can be the triggering event for activating the authentification portion of the invention. Once the change in trajectory is detected, a request is sent to the pilot to authentify or otherwise confirm his or her decision to change the trajectory. The pilot uses the Authentify and Control portion of the present invention automatic pilot system to confirm his or her decision, which results in a signal being transmitted back or sent to the control tower or other designated recipient. If a non-security confirmation is provided by the pilot or other designated individual (e.g. co-pilot, stewardess, air marshall, etc.), then the automatic pilot system does not get involved and does not direct or steer the air vehicle to the Virtual Tunnel.

The authentification or confirmation request can ask the pilot to place his or her finger three times (or other number) on a biometric reader, such as, but not limited to a fingerprint sensor. The system can include a database. Biometric or other information of at least two of the pilot's fingers can be stored, programmed, saved or otherwise enrolled in the database. A first finger can be associated with a certain defined meaning (e.g. "everything is normal", "everything O.K.", "no problems", etc.), while a second finger can be associated with a different defined meaning (e.g. highjacking, terrorist situation, etc.). Though not required, a third finger could be used and associated with a non-security but emergency situation (i.e. engine problem, medical emergency of pilots, gas leak, fuel issues, etc.).

For a validation of a defined meaning, the system can be configured such that all three times a finger is placed on the reader, the same finger must be placed. Where a normal (first finger placed three times) indication is provided by the pilot, operation remains as is conventionally practiced and the automatic pilot system does not take control and does not steer the air vehicle to the Virtual Tunnel. However, where an emergency (second or third finger placed three times) indication is provided by the pilot, the automatic pilot system is configured to automatically engage or activate to take over control of the air vehicle and direct the air vehicle for travel or flight along the Virtual Tunnel.

Claim 1 (The broadest claim) provides a method for providing added security to an air vehicle during flight, said method comprising the steps of: (a) detecting a change in flight trajectory of an air vehicle; (b) requesting a response from the air vehicle regarding the change in flight trajectory; and (c) directing the air vehicle to a predetermined flight path when an emergency response is sent by the air vehicle.

The following discussion of the references points out with the particularity required by 37 CFR §1.111(b) and (c), how the claimed subject matter is patentable over the references.

Section 102 of the United States Patent Laws provides in relevant part:

> A person shall be entitled to a patent unless . . . the invention was known or used by others in this country, or patented or described in a written publication in this or a foreign country . . .

None of references obtained in the prior art search disclose or describe Applicant's claimed invention of providing a security enhanced automatic pilot system for air vehicles.

Section 103 of the United States Patent Laws provides in relevant part:

> A patent may not be obtained . . . if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

No combination of references obtained in the pre-examination search teach or suggest Applicant's claimed invention of providing a security enhanced automatic pilot system for air vehicles.

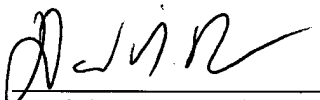
None of the systems in the past have provided for a security enhanced automatic pilot system for air vehicles. The closest reference to the claimed invention is believed to be U.S. Patent No. 6,739,556 issued to Langston for a Method and Apparatus For Providing An Aircraft Emergency Safety Control System. Langston does not disclose a predetermined flight path that the air vehicle is directed to as claimed by Applicant. In Langston the ground control segment communicates with the cockpit and determines where to send the plane.

6. Fee

The fee required by 37 C.F.R. 1.17(i) is to be paid by the attached check for $130.00

Any additional charges, including Extensions of Time, please bill our Deposit Account No. 503180.

Respectfully submitted,



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In re application of: Iulius Vivant Dutu
Serial No.: 10/709,268
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Group Art Unit: 3661
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For: SECURITY ENHANCED AUTOMATIC PILOT SYSTEM FOR AIR VEHICLES

I HEREBY CERTIFY that the following correspondence: PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER M.P.E.P. Section 708.02, VIII; CHECK IN THE AMOUNT OF $130.00 FOR THE FEE; COPY OF PATENTS and RETURN POSTCARD for confirmation of receipt is being deposited with the United States Postal Service, as First Class Mail, with sufficient postage, addressed to Mail Stop Petitions, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on this 17th day of February, 2005.

I HEREBY DECLARE that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Any additional charges, including extensions of time, can be billed to Deposit Account No. 503180.

Betty Bernal

Betty Bernal, Paralegal

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